

031504

14230 U.S.PTO

UTILITY PATENT APPLICATION TRANSMITTAL

(New Nonprovisional Applications Under 37 CFR § 1.53(b))

Attorney Docket No.
020.0328.US.UTL

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Transmitted herewith is the patent application of () application identifier or (X) first named inventor, Jeffery A. Von Arx, entitled System And Method For Securely Authenticating A Data Exchange Session With An Implantable Medical Device, for a(n):

(X) Original Patent Application.

- () Continuing Application (prior application not abandoned):
 Continuation Continuation-in-part (CIP)
 Divisional Request for continued examination
 of prior application No: _____ Filed on: _____
 A statement claiming priority under 35 USC § 120 has been added to the specification.

Enclosed are:

- | | | |
|---|---|--|
| (X) Specification; <u>36</u> Total Pages. | (X) Drawing(s); <u>11</u> Total Sheets. | |
| (X) Oath or Declaration: | | |
| (X) A Newly Executed Combined Declaration and Power of Attorney: | | |
| <input type="checkbox"/> Signed. | <input type="checkbox"/> Unsigned. | <input type="checkbox"/> Partially Signed. |
| () A Copy from a Prior Application for Continuation/Divisional (37 CFR § 1.63(d)). | | |
| () Incorporation by Reference. The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied, is considered as being part of the disclosure of the accompanying application and is hereby incorporated herein by reference. | | |
| () Signed Statement Deleting Inventor(s) Named in the Prior Application. (37 CFR § 163(d)(2)). | | |
| (X) Formal Drawings Transmittal Letter. | (X) Return Receipt Postcard. | |
| (X) Application Fee Transmittal. | (X) A Credit Card Payment for of \$ <u>2,384.00</u> for the Filing Fee. | |
| () Preliminary Amendment. | () Information Disclosure Statement and Form PTO-1449. | |
| (X) A Duplicate Copy of this Form for Processing Fee Against Deposit Account. | | |
| (X) Request & Certification Under 35 U.S.C. 122(b)(2)(B)(i). | | |
| () Applicant claims small entity status. | | |
| () Other: _____ | | |

CLAIMS AS FILED

FOR	NO. FILED	NO. EXTRA	RATE	FEES
Total Claims	81	61	\$ 18.00	\$ 1,098.00
Independent Claims	9	6	\$ 86.00	\$ 516.00
Multiple Dependent Claims (if applicable)				\$ 0.00
Assignment Recording Fee				\$ 0.00
Basic Filing Fee				\$ 770.00
			Total Filing Fee	\$ 2,384.00

Charge \$ _____ to Deposit Account 503031 pursuant to 37 CFR § 1.25. At any time during the pendency of this application, please charge any fees required or credit any overpayment to this Deposit Account.

Respectfully submitted,

By: Patrick J.S. Inouye

Patrick J.S. Inouye, Attorney of Record, Reg. No.40297

Date: March 15, 2004

Correspondence Address:

Law Offices of Patrick J.S. Inouye
 810 Third Avenue Suite 258
 Seattle, WA 98104
 Phone: (206) 381-3900
 Fax: (206) 381-3999

I hereby certify that this is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated below and is addressed to:

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

By: Larissa V. Pigott

Typed Name: Larissa V. Pigott

Express Mail Label No.: EV317784274US

Date of Deposit: March 15, 2004

Customer No. 22895

22858 10/800806 S PTO

031504

031504
14230 U.S. PTO

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant Claims small entity status. See 37 CFR 1.27TOTAL AMOUNT OF PAYMENT (\$)**2,384.00**

Complete if Known

Application Number	Unassigned
Filing Date	March 15, 2004
First Named Inventor	Von Arx, et al.
Examiner Name	Unassigned
Art Unit	Unassigned
Attorney Docket No.	020.0328.US.UTL

METHOD OF PAYMENT (check all that apply)

 Check Credit card Money Order Other None Deposit Account

Deposit Account Number

Deposit Account Name

The Director is authorized to: (check all that apply)

 Charge fee(s) indicated below Credit any overpayments Charge any additional fee(s) or any underpayment of fee(s) Charge fee(s) indicated below, except for the filing fee

to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code	Fee Code	Fee (\$)	Fee (\$)
1001	2001	770	385
1002	2002	340	170
1003	2003	530	265
1004	2004	770	385
1005	2005	160	80
SUBTOTAL (1)		(\$ 770)	

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

		Extra Claims	Fee from below	Fee Paid
Total Claims	81	-20**=	61	X 18 = 1098
Independent Claims	9	- 3**=	6	X 86 = 516
Multiple Dependent				=

Large Entity	Small Entity	Fee Description
Fee Code	Fee Code	Fee (\$)
1202	2202	18
1201	2201	86
1203	2203	290
1204	2204	86
1205	2205	18
SUBTOTAL (2)		(\$ 1,614)

** or number previously paid, if greater; For Reissues, see above

3. ADDITIONAL FEES	Fee Description	Fee Paid
Large Entity	Small Entity	
Fee Code	Fee Code	Fee (\$)
1051	2051	130 65 Surcharge – late filing fee or oath
1052	2052	50 25 Surcharge – late provisional filing fee or cover sheet
1053	1053	130 Non-English specification
1812	1812	2,520 2,520 For filing a request for ex parte reexamination
1804	1804	920* 920* Requesting publication of SIR prior to Examiner action
1805	1805	1,840* 1,840* Requesting publication of SIR after Examiner action
1251	2251	110 55 Extension for reply within first month
1252	2252	420 210 Extension for reply within second month
1253	2253	950 475 Extension for reply within third month
1254	2254	1,480 740 Extension for reply within fourth month
1255	2255	2,010 1,005 Extension for reply within fifth month
1401	2401	330 165 Notice of Appeal
1402	2402	330 165 Filing a brief in support of an appeal
1403	2403	290 145 Request for oral hearing
1451	1451	1,510 1,510 Petition to institute a public use proceeding
1452	2452	110 55 Petition to revive – unavoidable
1453	2453	1,330 665 Petition to revive – unintentional
1501	2501	1,330 665 Utility issue fee (or reissue)
1502	2502	480 240 Design issue fee
1503	2503	640 320 Plant issue fee
1460	1460	130 Petitions to the Commissioner
1807	1807	50 Processing fee under 37 CFR 1.17(q)
1806	1806	180 180 Submission of Information Disclosure Stmt
8021	8021	40 40 Recording each patent assignment per property (times number of properties)
1809	2809	770 385 Filing a submission after final rejection (37 CFR 1.129(a))
1810	2810	770 385 For each additional invention to be examined (37 CFR 1.129(b))
1801	2801	770 385 Request for Continued Examination (RCE)
1802	1802	900 900 Request for expedited examination of a design application
Other fee (specify)		
*Reduced by Basic Filing Fee Paid		SUBTOTAL (3) (\$)

SUBMITTED BY		Complete if applicable	
Name (Print/Type)	Patrick J.S. Inouye <i>Patrick J.S. Inouye</i>	Registration No. (Attorney/Agent)	40297
Signature		Telephone	(206) 381-3900

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**NONPUBLICATION REQUEST
UNDER
35 U.S.C. 122(b)(2)(B)(i)**

First Named Inventor	Von Arx, et al.
Title	System And Method For Securely Authenticating A Data Exchange Session With An Implantable Medical Device
Attorney Docket Number	020.0328.US.UTL

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

I hereby request that the attached application not be published under 35 U.S.C. 122(b).

March 15, 2004

Date



Signature

(206) 381-3900
Telephone number

Patrick J.S. Inouye
Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

This collection of information is required by 37 CFR 1.213(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Von Arx, et al

Application No.: Unassigned

Filed: March 15, 2004

Title: System And Method For Securely
Authenticating A Data Exchange
Session With An Implantable Medical
Device

Attorney Docket No.: 020.0328.US.UTL

Group Art Unit: Unassigned

Examiner: Unassigned

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

DRAWING TRANSMITTAL LETTER

Sir:

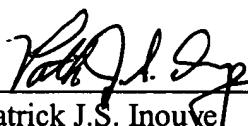
Enclosed herewith please find:

- () sheets of redlined drawing(s) which indicate proposed changes to the drawing(s). Upon approval of these proposed changes, formal drawing(s) will be submitted.
- () sheets of corrected formal drawing(s), as required by the Notice of Patent Drawings Objection (PTO-948) which accompanied the Office Action dated _____.
- () sheets of corrected formal drawing(s), as required by the Notice of Patent Drawing(s) Objection (PTO-948) and approved in the Notice of Allowability dated _____.
- (X) 11 sheets of formal drawing(s). Please substitute these formal drawing(s) for the informal drawing(s) originally filed.

Examiner's approval of the entry of these drawings is respectfully requested. No new matter has been added.

Respectfully Submitted,

Customer Number: 22895

By 
Patrick J.S. Inouye
Attorney/Agent for Applicant(s)
Reg. No. 40297

Date: March 15, 2004

Telephone No.: (206) 381-3900